

01 JUN 2000



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Patent Cooperation Treaty Legal Office

Address: Assistant Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

Robert J. Van Der Wall  
STEIN, SCHIFINO & VAN DER WALL  
SUITE 4600  
200 Biscayne Boulevard  
Miami, Florida 33131-2310

In re Application of	:	
HAMMES, Therese (Terry) Marie	:	
Application No.: 09/462,420	:	
PCT No.: PCT/US00/00382	:	DECISION
Int. Filing Date: 05 January 2000	:	
Priority Date: 06 January 1999	:	
Attorney Docket No.: 968-1	:	
For: IDEA NET 98	:	

This decision is in response to applicant's "Petition Pursuant to 37 CFR 1.182" filed 18 February 2000. The petition fee under 37 C.F.R. 1.17(h) has been submitted.

**BACKGROUND**

On 05 January 2000, applicant filed international application No. PCT/US00/00382 which claimed a priority date of 06 January 1999.

On 18 January 2000, the United States Receiving Office (RO/US) mailed an INVITATION TO CORRECT THE PURPORTED INTERNATIONAL APPLICATION (Form PCT/RO/103) indicating that the application does not contain a part which on the face of it appear to be a description (Article 11(1)(iii)(d) and Rule) and the application does not contain a part which on the face of it appears to be a claim or claims (Article 11(1)(iii)(e) and Rule 6).

On 18 January 2000, the RO/US mailed an NOTIFICATION CONCERNING PAYMENT OF PRESCRIBED FEES (Form PCT/RO/102) which indicated that more than \$16,938.00 in fees were due.

On 18 February 2000, applicant filed the present petition "to select those portions of what has been filed that are considered by Applicant to be of importance to the disclosure of the invention, coupled with a petition to disregard the remainder of what the Applicant has filed." Accompanied the petition, applicant provided an "Index of Important Pages to Be Retained as the PCT Patent Application Specification, Drawing, and Claims," which indicated that pages 1482 through 1484 of the international application were the Business Method Claims.

### DISCUSSION

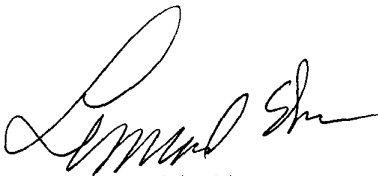
The United States Receiving Office accepts applicant's statement that pages 1482 through 1484 are to be considered as claims. Applicant has requested in their Petition Under 37 CFR 1.182 that pages in the international application filed on 05 January 2000 be deleted/removed from the international application, however, there is no provision in the Patent Cooperation Treaty (PCT) that allows a receiving Office to delete pages of the international application. Furthermore, the sheets identified to be considered as part of the application and the sheets identified as not a part of the application, do not seem to form a rationale plan to draw such a conclusion. Sheets are identified for inclusion/deletion in bits and pieces. It would appear that sheets left in contain material that is not germane to the subject and sheets are taken out that are germane. Since there is no rational pattern for applicant's request, such request must be dismissed.

Applicant is advised to consider rewriting and refiling the application and withdrawing this application and request a refund of the applicable fees. If a letter of withdrawal is received before the transmittal of the record copy to the International Bureau and the search copy to the Searching authority, all monies except for the \$240 filing fee may be refunded. Applicant should be aware that the filing date of any refiled application will be the date on which the applicant files a properly filed Request form, description, and drawings, if any.

### CONCLUSION

The petition under 37 CFR 1.182 is hereby GRANTED to the extent that pages 1482 through 1484 are accepted as claims and the application is accorded an international filing date of 06 January 2000.

The international application is being returned to the RO/US for processing in accordance with this decision, including preparing and mailing an INVITATION TO PAY PRESCRIBED FEES TOGETHER WITH LATE PAYMENT FEE (Form PCT/RO/133).



Leonard Smith  
PCT Legal Examiner  
PCT Legal Office



Anthony Smith  
Petitions Attorney  
PCT Legal Office  
Telephone: (703) 308-6314  
Facsimile: (703) 308-6459